

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MIGUEL GUEVARA, by his next friend, LENNY LAZO, §
§
Plaintiff, §
§
VS. § CIVIL ACTION NO. H-07-1117
§
ADELAIDE HORN, *et al.*, §
§
Defendants. §

AGREED TEMPORARY RESTRAINING ORDER

This matter came before the court on April 4, 2007, after notice, on plaintiff's Motion for a Temporary Restraining Order under Rule 65 of the Federal Rules of Civil Procedure. The court, having considered the arguments of counsel, the memoranda of law submitted by counsel, and the affidavits and the verified complaint submitted in support thereof, finds that the requirements for issuance of a temporary restraining order have been met.

It is ordered as follows:

1. Plaintiff's Motion for Temporary Restraining Order is granted.
2. Defendant Albert Hawkins in his official capacity is hereby restrained from reducing the level of private-duty nursing services for which he will pay benefits for Miguel Guevara's care below the level in place on April 5, 2007, i.e., 77 hours of private-duty nursing services per week.

3. Defendant Albert Hawkins, on behalf of HHSC, will take all steps necessary to effectuate the intent of this order, which is that Miguel Guevara's services will remain in effect and not be reduced or withdrawn as of April 5, 2007 due to any previous actions by defendants.
4. This order will remain in effect for sixty (60) days commencing on the date of this order, under Rule 6A of the Federal Rules of Civil Procedure, unless extended by this court for good cause shown pursuant to Rule 65 of the Federal Rules of Civil Procedure, or by agreement of the parties.
5. A date for a hearing on plaintiff's Motion for Preliminary Injunction will be set by further order of this court.

SIGNED on April 4, 2007, at Houston, Texas.



Lee H. Rosenthal
United States District Judge